

From: Kelly Creech <kelly@headleyballard.com>

Sent: Friday, June 24, 2022 3:43 PM

To: Brian Headley <Brian@headleyballard.com>; Campbell, Dennis <Dennis.Campbell@sedgwick.com>

Cc: Kelly Creech <kelly@headleyballard.com>

Subject: RE: 4A21064FDD8-0001 - L[REDACTED], R[REDACTED] - 06/25/2021

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Dennis:

I have attached the Complaint that was filed today in the Wood County Circuit Court on behalf of R[REDACTED] L[REDACTED]..

Kelly Creech

Kelly Creech | Paralegal



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From: Brian Headley <Brian@headleyballard.com>

Sent: Wednesday, June 22, 2022 1:48 PM

To: Campbell, Dennis <Dennis.Campbell@sedgwick.com>

Cc: Kelly Creech <kelly@headleyballard.com>

Subject: Re: 4A21064FDD8-0001 - L[REDACTED], R[REDACTED] - 06/25/2021

Good afternoon, Dennis.

Based on your denial of liability letter dated January 11, 2022, we understand that you and your insured are relying on statutory immunity to abrogate the responsibility for the events that have transpired, which do not appear to be in dispute. That is, both sides agree that R[REDACTED] was administered a dose of the Covid vaccine that far exceeded what he should have received. Indeed, the L[REDACTED] only became aware of the issue because a Kroger representative called the L[REDACTED] to admit the error. As you may or may not have learned, R[REDACTED] was one of three patients who were administered an excessive dose by the offending student employee. These circumstances certainly seem to fall within the statutory exceptions for immunity, and, in any event, will likely require discovery to fully flesh out the issues and present a sufficient record to rule on any dispositive motion.

With those facts in mind and in an effort to avoid needless motions practice, discovery, and the potential for extended appeals, I am authorized to reduce our demand to \$89,000. Please advise whether you have any interest in a resolution at this time. Thank you.

Brian